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The meeting was called to order at 9:35 a.m. with all Members being present, with the exception of Supervisor Frey and Supervisor Hyland, and with Chairman Hanley presiding.

Supervisor Hyland arrived at 11:35 a.m.

Supervisor Frey was absent from the entire meeting.

Others present were William J. Leidinger, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Barbara M. Jenkins, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

2. **CONGRATULATIONS TO BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA ON HER 30TH WEDDING ANNIVERSARY** (Tape 1)

Chairman Hanley congratulated Braddock District Supervisor Sharon Bulova on the celebration of her 30th Wedding Anniversary.

(NOTE: Later in the meeting, additional congratulations were expressed. See Clerk's Summary Items CL#20 and CL#74.)

3. **ABSENCE OF SULLY DISTRICT SUPERVISOR MICHAEL FREY** (Tape 1)

Chairman Hanley announced that Sully District Supervisor Michael Frey would be absent from today's meeting due to the illness of his mother who recently underwent heart by-pass surgery in Florida.

4. **ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR GERALD HYLAND**
(Tape 1)

Chairman Hanley announced that Mount Vernon District Supervisor Gerald Hyland would be absent from today's morning session of the meeting due to the illness of his wife, but he may attend the meeting later in the day.

AGENDA ITEMS

5. **PROCLAMATION DESIGNATING OCTOBER AS "SAVE TODAY FOR TOMORROW" MONTH AND OCTOBER 9, 1996 AS "SAVE TODAY" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Dix moved approval of the Proclamation presented to Ms. Nicki Bazaco and Ms. Diane Chow designating October as "**Save Today for Tomorrow**" month and October 9, 1996 as "**Save Today**" in Fairfax County. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

6. **PROCLAMATION DESIGNATING OCTOBER 5, 1996 AS "ECOLODAY 1996" FAIRFAX COUNTY** (Tape 1)

Supervisor Connolly moved approval of the Proclamation presented to Aubrey Tarkington, President, Faxfair Corporation, designating October 5, 1996 as "**Ecoloday 1996**" in Fairfax County. This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. LEWIS LEIGH, JR., FOR HIS YEARS OF SERVICE ON THE HISTORY COMMISSION AND THE AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE** (Tape 1)

Supervisor McConnell moved approval of the Certificate of Recognition presented to Mr. Lewis Leigh, Jr., for his years of service on the History Commission and the Agricultural and Forestal District Advisory Committee. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

8. **PROCLAMATION IN RECOGNITION OF FRANCONIA UNITED METHODIST CHURCH ON THE OCCASION OF ITS 100TH ANNIVERSARY** (Tape 1)

Supervisor Kauffman moved approval of the Proclamation in recognition of Franconia United Methodist Church on the occasion of its 100th Anniversary. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

9. **PROCLAMATION DESIGNATING OCTOBER 5-12, 1996 AS "NORTHERN VIRGINIA TURN OFF THE VIOLENCE WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Acting-Chairman Dix and moved approval of the Proclamation designating October 5-12, 1996 as "**Northern Virginia Turn Off the Violence Week**" in Fairfax County. This motion was seconded by Acting-Chairman Dix and carried by a vote of six, Supervisor Kauffman and Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

10. **PROCLAMATION DESIGNATING OCTOBER 6-12, 1996 AS "4-H WEEK" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Dix moved approval of the Proclamation designating October 6-12, 1996 as "**4-H Week**" in Fairfax County. This motion was seconded by Supervisor Mendelsohn and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

11. **PROCLAMATION DESIGNATING OCTOBER AS "VIRGINIA WOMEN'S NETWORK MONTH" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Gross moved approval of the Proclamation designating October as "**Virginia Women's Network Month**" in Fairfax County. This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

12. **PROCLAMATION DESIGNATING SEPTEMBER 15 THROUGH OCTOBER 15, 1996 AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Acting-Chairman Dix and moved approval of the Proclamation designating September 15 through October 15, 1996 as "**Hispanic Heritage Month**" in Fairfax County. This motion was seconded by Acting-Chairman Dix and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

13. **PROCLAMATION DESIGNATING SEPTEMBER 30, 1996 AS MS. EUGENIA GRATTO DAY IN FAIRFAX COUNTY** (Tape 2)

Supervisor Dix moved approval of the Proclamation designating September 30, 1996 as "Ms. Eugenia Gratto Day" in Fairfax County. Ms. Gratto, a reporter with the *Connection* Newspaper, is departing from Fairfax County. This motion was seconded by Chairman Hanley and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

14. **ORDERS OF THE DAY** (Tape 2)

Chairman Hanley announced that there would be a change in the Orders of the Day to add a short Executive Session to the morning's Agenda following presentation of the Proclamations.

15. **APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 2)

Chairman Hanley announced that appointments to Boards, Authorities, Commissions and Advisory Groups would be deferred because a full Board was not present.

ADDITIONAL BOARD MATTERS

16. **WASHINGTON POST ARTICLE REGARDING A FAIRFAX COUNTY CONTRACT WITH ANDERSEN CONSULTING** (Tape 2)

Chairman Hanley called the Board's attention to an article published in the September 29, 1996 edition of *The Washington Post* that raised a number of serious and troubling questions about a Fairfax County contract with Andersen Consulting including the statement that \$445,000 more than necessary was spent because vacant County positions went unfilled for over a year.

Chairman Hanley stated that she was deeply troubled that no one approached the Board to address the issue of filling those vacancies, given the County's contractual obligation to provide those positions. She stated her concern that a decision to amend a contract with a financial impact of this magnitude was made without the approval of the Board. While the Board cannot be expected to micro-manage the details of every contract that the County enters into, Chairman Hanley expressed confidence that had the situation that led to this apparently unnecessary expenditure been brought to the attention of the Board, it would have been avoided. She stated that this was a mistake that should never have happened and must not happen again.

Chairman Hanley relinquished the Chair to Acting-Chairman Dix and moved that the Board direct staff to respond to the following issues by the end of the day:

- Why did this happen?
- What steps are being taken to ensure that the process that allowed this to happen is corrected so that it will not happen again?
- Is there a threshold at which contract amendments must be approved by the Board?
 - Is there a procedure for bringing to the attention of the Board amendments to a single contract which by themselves do not reach that threshold but as an aggregate exceed it? and
- Given the County's severe financial constraints, how were these additional expenditures funded?

This motion was seconded by Supervisor Connolly.

Following discussion, Supervisor McConnell asked to amend the motion to add the following information to the request:

- What are the procedures for informing Board Members of such information?

This was accepted.

Following further discussion, the question was called on the motion, as amended, which carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

(NOTE: Later in the meeting, there was additional discussion regarding this issue. See Clerk's Summary Item CL#126.)

17. **REQUEST TO DIRECT THE AUDITOR TO THE BOARD TO REVIEW THE COUNTY'S INFORMATION TECHNOLOGY (IT) INITIATIVES** (Tape 2)

Chairman Hanley moved that the Board direct the Auditor to the Board to review the County's Information Technology (IT) Initiative to make certain that the most pressing technology priorities are being met and that all IT projects conform with the Board's Budget Guideline Number Seven which requires investments in Information Technology to realize a corresponding savings and/or return on investment. This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

18. **RECESS/EXECUTIVE SESSION** (Tape 2)

At 10:40 a.m., Supervisor Connolly moved that the Board recess and go into Executive Session for discussion or consideration of personnel matters enumerated in Virginia Code Section 2.1-344. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

At 11:15 a.m., the Board reconvened in the Board Auditorium with all Board Members being present, with the exception of Supervisor Frey and Supervisor Hyland, and with Chairman Hanley presiding.

ACTION FROM EXECUTIVE SESSION

19. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION** (Tape 2)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive were heard, discussed, or considered by the Board during the Executive Session. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

ADDITIONAL BOARD MATTER

20. **CELEBRATION OF SUPERVISOR BULOVA'S 30TH YEAR WEDDING ANNIVERSARY** (Tape 2)

(NOTE: Earlier in the meeting, there were congratulations expressed. See Clerk's Summary Item CL#2.)

Chairman Hanley announced that the flowers on the dais were in celebration of Supervisor Sharon Bulova's 30th Wedding Anniversary.

(NOTE: Later in the meeting, the flowers were again mentioned. See Clerk's Summary Item CL#74.)

ADDITIONAL ACTION FROM EXECUTIVE SESSION21. **APPOINTMENT OF HERNAN G. WELCH AS THE FINANCIAL AUDITOR TO THE BOARD** (Tape 2)

Supervisor Bulova moved that the Board appoint Mr. Hernan G. Welch to the position of Financial Auditor to the Board at the pay grade of S-36, Step 7, at an annual salary of \$92,267. This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

(NOTE: Later in the meeting, Mr. Welch was formally introduced to the Board. See Clerk's Summary Item CL#102.)

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22. **ORDERS OF THE DAY** (Tape 3)

Chairman Hanley announced that the Board had deferred appointments to citizen Boards, Authorities, Commissions, and Advisory Groups because a full Board was not present today.

23. **ADMINISTRATIVE ITEMS** (Tape 3)

Chairman Hanley stated that Supervisor Frey had requested that the Board defer action on Administrative Item 2 - Additional Time to Establish The Use for Special Exception Application SE 93-Y-001, Clifford Allan Taylor, Madonna Taylor, and Ruth E. Taylor.

Supervisor Dix moved approval of the Administrative Items with the exception of Administrative Item 2 - Additional Time to Establish the Use for Special Exception Application SE 93-Y-001, Clifford Allan Taylor, Madonna Taylor, and Ruth E. Taylor. The second to this motion was inaudible.

David P. Bobzien, County Attorney, called the Board's attention to Administrative Item 4 - Resolution Concerning Fairfax County Criminal Justice Advisory Board, and noted that two entities that are to be represented were inadvertently omitted, the Magistrate and the Public Defender's Office, and he recommended that they be added to the Resolution. This was accepted.

Supervisor Bulova called the Board's attention to Administrative Item 15 - Review of Target at Burke Crossroads, Plan Number 5333-SP-01 and asked to amend the motion to consider this item separately, and this was accepted.

Supervisor Connolly called the Board's attention to Administrative Item 7 - Authorization to Advertise a Public Hearing on the Proposed Vacation of a 10 Foot Wide Trail Easement within the Woodstream Subdivision and asked to amend the motion to consider this item separately, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (LEE, MOUNT VERNON, SPRINGFIELD AND SULLY DISTRICTS)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated September 30, 1996 be recommended into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Dudrow Subdivision	Lee	Dudrow Court Hoes Road, Route 636, Additional right-of-way only
Woodland Heights	Mount Vernon	Woodland Heights Court Woodland Lane, Route 889, Additional right-of-way only
Belleair, Section 1	Springfield	Ormandy Drive, Route 6490
O.C. Downs	Sully	Upper Wynewood Place, Route 8290 Upper Wynewood Court Bennett Road, Route 669, Additional right-of-way only

ADMIN 2 - ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 93-Y-001, CLIFFORD ALLAN TAYLOR, MADONNA TAYLOR, AND RUTH E. TAYLOR (SULLY DISTRICT)

(NOTE: Later in the meeting, this item was deferred. See Clerk's Summary Item CL#24.)

ADMIN 3 - EXTENSION OF REVIEW PERIOD FOR PUBLIC FACILITIES (456) REVIEW APPLICATIONS

Approved an extension of the review period for the eight Public Facilities (456) Review Applications listed in the Memorandum to the Board dated September 30, 1996, to a date of March 30, 1997.

ADMIN 4 - RESOLUTION CONCERNING FAIRFAX COUNTY CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

- (R) (NOTE: Earlier in the meeting, the County Attorney noted a correction to this item. See page seven.)

Adopted the "Resolution Concerning the Fairfax County Criminal Justice Advisory Board (CJAB)."

ADMIN 5 - INSTALLATION OF MULTI-WAY STOPS AT THE INTERSECTIONS OF SHADOWLAKE WAY AND SEABROOK LANE, AND SHADOWLAKE WAY AND THORNCLIFF LANE (SPRINGFIELD DISTRICT)

Approved the endorsement of the installation of multi-way stops at the following intersections:

- Shadowlake Way (Route 6292) and Seabrook Lane (Route 6291);
- Shadowlake Way (Route 6292) and Thorncliff Lane (Route 7516);
and
- Directed staff to request the Virginia Department of Transportation (VDOT) to approve the installation of the multi-way stops and install these signs at the earliest possible date.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5A, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD), TO ESTABLISH THE WOODSON RPPD, DISTRICT 22 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 28, 1996 at 4:00 p.m.** on a proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5A, Residential Permit Parking Districts (RPPD), Appendix G, to establish the Woodson RPPD, District 22.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED VACATION OF A PORTION OF OAKTON DRIVE (PROVIDENCE DISTRICT)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#25.)

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED VACATION OF A 10 FOOT WIDE TRAIL EASEMENT WITHIN THE WOODSTREAM SUBDIVISION (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 28, 1996 at 4:00 p.m.** on the proposed vacation of a 10 foot wide trail easement within the Woodstream Subdivision.

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE CREATION/ENLARGEMENT/DE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, LEE, MASON, AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 28, 1996 at 4:00 p.m.** to consider the following changes to local and small sanitary districts for refuse and leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>ServiceRecommendation</u>
Local District A-2 within Small District 1 within Dranesville District	Enlarge	Refuse Approve
Local District E within Small District 1 within Dranesville District	Enlarge	Refuse Approve and Leaf
Local District D within Small District 1 within Lee District	Create	Refuse Approve and Leaf
Local District E within Small District 1 within Mason District (Federal Hill)	De-Create	Refuse Approve
Small District 1 within Providence District	Enlarge	Refuse Approve and Leaf

ADMIN 10 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS

97035 FOR THE VIRGINIA PRESCHOOL INITIATIVE (VPI) GRANT FOR AT-RISK FOUR-YEAR-OLD CHILDREN WITHIN THE DEPARTMENT OF FAMILY SERVICES (OFFICE FOR CHILDREN)

(SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97035 in the amount of \$767,453 for continuation of the Virginia Preschool Initiative (VPI) grant from the Virginia Department of Education. This grant allows the Department of Family Services (Office for Children) to expand and continue the VPI, a comprehensive preschool program for at-risk four-year-old children.

ADMIN 11 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97036 FOR THE HEALTH DEPARTMENT'S SPECIALTY WOMEN, INFANTS AND CHILDREN (WIC) BREASTFEEDING GRANT

(SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97036 in the amount of \$22,005 for the Women, Infants and Children (WIC) Breastfeeding Grant from the United States (U.S.) Department of Agriculture.

ADMIN 12 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97037 FOR THE HEALTH DEPARTMENT'S WOMEN, INFANTS AND CHILDREN (WIC) GRANT

(SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97037 in the amount of \$745,766 for the Women, Infants and Children (WIC) Grant from the United States (U.S.) Department of Agriculture.

ADMIN 13 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97038 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT FEDERAL/STATE FAMILY PRESERVATION AND FAMILY SUPPORT PROGRAM FUNDS

(SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97038 for the Department of Family Services to accept Federal/State Family Preservation and Family Support funding in the amount of \$377,182, including a 10 percent local cash match of \$37,718. This funding is being made available through the Virginia Department of Social Services for the period October 1, 1996 through September 30, 1997.

ADMIN 14 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97315 FOR THE FIRE AND RESCUE DEPARTMENT TO ACCEPT REIMBURSEMENT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR EXPENSES INCURRED IN THE ACTIVATION OF ITS URBAN SEARCH AND RESCUE TEAM

(SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97315 in the amount of \$400,000 from the Federal Emergency Management Agency (FEMA) for reimbursement of expenses incurred by the Fire and Rescue Department's Urban Search and Rescue team's activation on September 5, 1996 in response to Hurricane Fran.

ADMIN 15 - REVIEW OF TARGET AT BURKE CROSSROADS, PLAN #5333-SP-01 (BRADDOCK DISTRICT)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL# 26.)

24. **ADMIN 2 - ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE-93-Y-001, CLIFFORD ALLEN TAYLOR, MADONNA TAYLOR, AND RUTH TAYLOR (SULLY DISTRICT)** (Tape 3)

Chairman Hanley announced that consideration of Administrative Item 2 - Additional Time to Establish the use for Special Exception Application SE 93-Y-001, Clifford Allen Taylor, Madonna Taylor, and Ruth Taylor had been deferred.

25. **ADMIN 7 - AUTHORIZATION FOR A PUBLIC HEARING ON THE VACATION OF A PORTION OF OAKTON DRIVE (PROVIDENCE DISTRICT)** (Tape 3)

Following discussion, with input from Samuel T. Chamberlain, Chief, Traffic Operations Section, Office of Transportation, Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held before the Board on **October 28, 1996 at 4:00 p.m.** on the proposed vacation of a portion of Oakton Drive located immediately west of Hibbard Street (Route 784). This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor Frey being absent.

26. **ADMIN 15 - REVIEW OF TARGET AT BURKE CROSSROADS, PLAN NUMBER 5333-SP-01 (BRADDOCK DISTRICT)** (Tape 3)

Following discussion, with input from John Winfield, Deputy Director for Plan Review, Design Review Division, Department of Environmental Management (DEM), Supervisor Bulova moved that the Board concur in the recommendation of staff and conclude that Proffer Five, accepted by the Board in Rezoning Application RZ 82-A-101, has been satisfied because the proposal in Site Plan Number 5333-SP-01 for the Target site more than adequately screens the loading dock and dumpster areas from residential uses. This motion was seconded by Supervisor McConnell.

Following further discussion, the question was called on the motion which carried by a

vote of nine, Supervisor Frey being absent.

After explaining that the Board had passed a motion soon after approving Rezoning Application RZ 82-A-101 in 1983 requesting that the Site Plan for this property be returned to the Board for approval and that DEM and the Planning Commission had concluded that this Site Plan satisfied all applicable requirements, Supervisor Bulova moved, to the extent such approval is required by the motion passed by the Board after the approval of Rezoning Application RZ 82-A-101, that the Board approve Site Plan Number 5333-SP-01 because it meets all applicable requirements. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Frey being absent.

27. **A-1 - AUTHORIZATION TO PAY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FISCAL YEAR (FY) 1997 SECOND QUARTER BILLING (COUNTYWIDE)** (Tape 3)

(R) On motion of Supervisor Hyland, seconded by Supervisor Kauffman, and carried by a vote of nine, Supervisor Frey being absent, the Board concurred in the recommendation of staff and adopted the Resolution authorizing payment of the Washington Metropolitan Area Transit Authority (WMATA) Fiscal Year (FY) 1997 Second Quarter Billing in the amount of \$12,578,825.

28. **A-2 - PROPOSED CHANGES TO THE METROBUS ALLOCATION FORMULA (COUNTYWIDE)** (Tape 3)

Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Endorse the comments on the proposed moratorium on Metrobus service reductions and a proposed change to the way Metrobus costs are allocated when bus service is added or reduced, as outlined in the Memorandum to the Board dated September 30, 1996; and
- Direct the Chairman to transmit these comments to the Washington Metropolitan Area Transit Authority (WMATA).

This motion was seconded by Supervisor Kauffman.

In reference to item b as contained in the Memorandum to the Board dated September 30, 1996, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to change the opposition to a long term moratorium to support for a one year moratorium with conditions that include that during this time, there will be the opportunity for WMATA to address the allocation formulas. She stated that it should be clear that this does not include adjustments necessary as a result of the Franconia-Springfield Metro Station. She further indicated that the support for a one-year moratorium would allow a broader and more comprehensive examination of the Metrobus formulas. This was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion with input from Shiva K. Pant, Director, Office of Transportation, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Frey being absent.

29. **A-3 - PROPOSED CHANGES TO THE ADMINISTRATION OF THE RESIDENTIAL PERMIT PARKING PROGRAM (COUNTYWIDE)** (Tape 3)

On motion of Supervisor Bulova, seconded by Supervisor McConnell, and carried by a vote of nine, Supervisor Frey being absent, the Board concurred in the recommendation of staff and approved:

- The distribution of all residential parking permits directly from the Office of Transportation (OT) to provide improved customer service; and
- The conversion of the existing part-time Transportation Planner II position in OT to full-time to assist in the administration of this program.

30. **A-4 - APPROVAL OF AWARD OF FEDERAL FISCAL YEARS (FFY) 1995 AND 1996 HOME PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS (MOUNT VERNON DISTRICT)** (Tape 3)

Supervisor Kauffman moved to defer Action Item 4 - Approval of Award of Federal Fiscal Years (FFY) 1995 and 1996 Home Program Community Housing Development Organization Funds. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Frey being absent.

31. **A- 5 - APPROVAL TO OPERATE A PRIVATE AMBULANCE SERVICE WITHIN THE BOUNDARIES OF FAIRFAX COUNTY** (Tape 3)

Supervisor Connolly moved that the Board concur in the recommendation of staff and grant approval for All American Ambulance and Transport to operate a private ambulance service for non-emergency routine transports within the boundaries of Fairfax County. This motion was seconded by Supervisor Hyland.

Following discussion, with input from Andrew Sneed, Staff, Fire and Rescue Department, and Ann G. Killalea, Assistant County Attorney, Supervisor Bulova moved that the Board:

- Defer action on this item;
- Direct staff to provide more information; and

- Refer this item to the Consumer Protection Commission or Health Care Advisory Board, as appropriate, for comment and an evaluation of need.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to provide the legal requirements, if any, that an ambulance company must meet before the Board indicates a statement of need, and this was accepted.

This motion was seconded by Supervisor Dix.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Dix asked to amend the motion to direct staff to provide information on the business operation, including how long the company has been in business and a report on its financial stability, and this was accepted.

Supervisor McConnell asked to amend the motion to direct staff to provide information on criminal checks on the drivers and vehicle inspections for this company, and this was accepted.

Following further discussion, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Frey being absent.

32. **A-6 - RESOLUTION BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS TO DEVELOP AND SUBMIT A LOCAL PLAN OF COMMUNITY BASED, PREDISPOSITIONAL AND POSTDISPOSITIONAL SERVICES** (Tape 3)

- (R) Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing staff to develop and submit a local plan for community-based predispositional and postdispositional services provided under the Virginia Juvenile Community Crime Control Act. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey being absent.

A brief discussion followed with input from Joseph Fedeli, Director of Residential Services, Juvenile and Domestic Relations Court.

33. **A-7 - CLOSE JUNE 17, 1996 PUBLIC HEARING; AUTHORIZATION TO ADVERTISE A NEW PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS)** (Tape 3)

(A) Supervisor Bulova moved that the Board:

- Close the record for the June 17, 1996 public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility Standards); and
- Authorize the advertisement of a new public hearing to be held before the Board on **October 14, 1996 at 3:30 p.m.** on proposed amendments to Chapter 30, Sections 30-1-1 and 30-2-1.

The second to this motion was indistinguishable.

Following discussion, with input from Dennis Hill, Director, Environmental Health Administration, Health Department, the question was called on the motion which carried by a vote of nine, Supervisor Frey being absent.

34. **A-8 - AUTHORIZATION TO INCREASE HOUSING TRUST FUNDS, ALLOCATE HOME FUNDS AND REALLOCATE SECTION 108 FUNDS FOR HERNDON HARBOR HOUSE PHASE I** (Tape 3)

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Mendelsohn moved that the Board authorize:

- An allocation of an additional \$910,000 in undesignated Housing Trust Funds, Subfund 182, to Herndon Harbor House, Phase I;
- An allocation of \$559,000 in undesignated HOME Funds, Subfund 183, to Herndon Harbor House, Phase I; and
- A reallocation of \$183,000 in Section 108 funds, Subfund 419, from Herndon Harbor House to Project 003923, Undesignated Projects.

The second to this motion was inaudible.

Following discussion with input from staff, the question was called on the motion which **CARRIED** by a recorded vote of eight, Supervisor Gross voting "NAY," Supervisor Frey being absent.

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35. **C-1 - AUTHORIZATION TO NEGOTIATE UNDER THE PRIVATE DEVELOPER ASSISTANCE PROGRAM FOR JCE, INCORPORATED (LEE DISTRICT)** (Tape 4)

Supervisor Kauffman moved that the Board direct staff to negotiate under the Private Developer Assistance Program, at the request of JCE, Incorporated, for certain land rights on properties identified as Tax Map Numbers 091-2-01-0006, owned by Austin F. Foster and Evelyn M. Foster, and 091-2-01-0006-C, owned by William H. Foster. This motion was seconded by Supervisor Connolly.

Following discussion, with input from James R. Ashton, Director, Land Acquisition Division, Department of Public Works (DPW), the question was called on the motion which carried by a vote of nine, Supervisor Frey being absent.

36. **I-1 - THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD FISCAL YEAR (FY) 1997 FEE SCHEDULE** (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for staff to proceed with the implementation of the Fiscal Year (FY) 1997 Fee Schedule on November 1, 1996.

Following discussion, with input by James A. Thur, Executive Director, Fairfax-Falls Church Community Services Board (CSB), the staff was directed administratively to proceed as proposed.

37. **I-2 - BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 1997** (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for staff to proceed to use the meeting calendar as contained in the Memorandum to the Board to permit the scheduling of land use cases, Budget adoption, and other Board activities for Calendar Year 1997. The formal adoption of the 1997 schedule will occur during the Board's first meeting in January 1997.

Supervisor Dix asked unanimous consent that the Board direct staff to reschedule the December 1, 1997 Board meeting to November 24, 1997. Without objection, it was so ordered.

Following discussion with input by Catherine A. Chianese, Assistant to the County Executive, Supervisor Connolly asked unanimous consent that the Board authorize staff to:

- Schedule public hearings to be held before the Board on the 1997 Area Plan Review (APR) process on January 6, 1997; and

- Schedule Markup for the 1997 APR on January 27, 1997.

Without objection, it was so ordered.

Supervisor Dix asked unanimous consent that the Board direct staff to report with the number of meetings required per year. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, there was additional discussion regarding this item. See Clerk's Summary Item CL#48.)

38. **I-3 - CONTRACT AWARD - DESIGN SERVICES FOR CORE FACILITIES AT LAKE ACCOTINK PARK - DESIGN PROJECT ONE (BRADDOCK DISTRICT)**
(Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for the Park Authority to proceed to award a contract in the amount of \$140,658 to Studio Three Architects, P.C., of Chantilly, Virginia, for architectural, site design, bidding, construction administration, and supplemental services for the Lake Accotink Core Facilities Design Project One as part of Project 474888, Lake Accotink, Subfund 451, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

39. **I-4 - CONTRACT AWARD - DESIGN SERVICES FOR CORE FACILITIES AT LAKE ACCOTINK PARK - DESIGN PROJECT TWO (BRADDOCK DISTRICT)**
(Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for the Park Authority to proceed to award a contract in the amount of \$51,660 to Samaha Associates, P.C., of Fairfax, Virginia, for architectural, site design, bidding, construction administration, and supplemental services for the Lake Accotink Core Facilities Design Project Two as part of Project 474888, Lake Accotink, Subfund 451, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

40. **I-5 - AWARD OF CONTRACT - WINDSOR ESTATES STORM DRAINAGE IMPROVEMENTS (LEE DISTRICT)** (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for staff to proceed to award a contract in the amount of \$358,163 to J. G. Miller, Incorporated, for the construction of Project AC0213, Windsor Estates Storm Drainage Improvements, Subfund 490, Pro Rata Share Drainage Construction.

The staff was directed administratively to proceed as proposed.

41. **I-6 - AWARD OF CONTRACT - CHESTNUT HILL SANITARY SEWER EXTENSION AND IMPROVEMENT (BRADDOCK DISTRICT)** (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for staff to proceed to award a contract in the amount of \$886,960 to R. L. Rider and Company for the construction of Chestnut Hill Sanitary Sewer Extension and Improvement, Project X00823, Extension Projects Fiscal Year (FY) 1993, Subfund 524, Sewer Bond Extension and Improvements.

The staff was directed administratively to proceed as proposed.

42. **I-7 - AWARD OF CONTRACT - COLEWOOD STREET, WEST OX ROAD AND BENNETT ROAD SANITARY SEWER EXTENSION AND IMPROVEMENT (SULLY DISTRICT)** (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for staff to proceed to award a contract in the amount of \$179,385 to William B. Hopke Company, Incorporated for the construction of Colewood Street, West Ox Road, and Bennett Road Sanitary Sewer Extension and Improvement, Project X00824, Extension Projects Fiscal Year (FY) 1984, Subfund 524, Subfund 524, Sewer Bond Extension and Improvements.

The staff was directed administratively to proceed as proposed.

43. **I-8 - INTEGRATED COUNTYWIDE COMPUTER AIDED DISPATCH MOBILE DATA COMMUNICATIONS SYSTEM** (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for staff to proceed to complete negotiations with PRC/Public Sector, Incorporated, for the tax-exempt lease/purchase for the replacement of the Computer-Aided Dispatch (CAD) mobile data communications system for a five year term, at a cost of approximately \$9.3 million plus finance charges.

The staff was directed administratively to proceed as proposed.

44. **I-9 - CHANGES IN VOTING PRECINCT BOUNDARIES AND POLLING PLACES** (Tape 4)

Supervisor Hyland asked unanimous consent that this item be deferred until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken by the Board on this item. See Clerk's Summary Item CL#46.)

45. **I-10 - ADDITIONAL SELECTED HIRING ACTIONS TO ENSURE SUPPORT OF FISCAL YEAR (FY) 1997 BUDGET APPROVED SERVICES AND FUNCTIONS (COUNTYWIDE)** (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for staff to proceed with the recruitment and hiring for 263 vacant positions identified in Attachment One as being critical in providing direct service to the community as well as supporting the County's direct service operations.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information as to the number employees working for Fairfax County on January 1, 1996; April 1, 1996; July 1, 1996; and October 1, 1996. Without objection, it was so ordered.

In reference to the three positions listed under the Park Authority which are openings at the Mount Vernon Recreation Center, Supervisor Hyland asked unanimous consent that the Board direct staff to make every effort to fill those vacant positions so that the ice skating rink can be opened when the renovation is completed. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

46. **I-9 - CHANGES IN VOTING PRECINCT BOUNDARIES AND POLLING PLACES** (Tape 4)

(NOTE: Earlier in the meeting, action was taken to defer consideration of this item. See Clerk's Summary Item CL#44.)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 requesting authorization for the Electoral Board to proceed with the production of the voter information maps.

The staff was directed administratively to proceed as proposed.

47. **I-11 - FEDERAL WELFARE REFORM - FOOD STAMP PROGRAM CHANGES**
(Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated September 30, 1996 providing information regarding the recently signed Federal Welfare Reform Legislation that will begin to ban many legal immigrants from receiving food stamps until they become citizens.

Following discussion, with input by William J. Leidinger, County Executive, and Verdia L. Haywood, Deputy County Executive for Human Services, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide additional information on this item. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting, additional information was submitted to the Board on this item. See Clerk's Summary Item CL#110).

48. **I-2 - BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 1997** (Tape 4)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#37.)

In response to Supervisor Dix's earlier query concerning requirements for the number of Board meetings required per year, David P. Bozien, County Attorney, reported that Section 15.1-536 of the *Code of Virginia* states the requirement is one meeting per month with no annual cumulative total.

ADDITIONAL BOARD MATTERS

49. **DEFERRAL OF PAYMENT BY VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) OF FEDERAL RIGHT-OF-WAY REVOLVING FUNDS** (Tape 4)

Chairman Hanley mentioned that, as the Board is aware, Fairfax County has requested members of the County delegation to include in the Fiscal Year (FY) 1997 Transportation Appropriations Bill deferral of payment by the Virginia Department of Transportation (VDOT) of the federal right-of-way revolving funds, commonly know as "Q" Funds. In this regard, Chairman Hanley stated that earlier this year she sent letters to Senator Warner and Congressman Wolf who Chair appropriate subcommittees in the United States (U.S.) Senate and the House of Representatives. Chairman Hanley stated that, in addition, she wrote letters to Congressman Davis.

Chairman Hanley stated that she had been advised that the legislative amendments that would have provided this relief were not included in either the Senate or the House bills. The current legislation requires repayment by September 30, 1997. What this means is that VDOT will have to use funds allocated to the Fairfax County Parkway to repay the funds to the federal government rather than use them for continued construction of the Parkway.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to:

- Discuss this issue with VDOT; and
- Advise the Board of potential impacts on the Parkway construction schedule with repayment of the funds next year.

Without objection, it was so ordered.

50. **EXPRESS BUS SERVICE FOR THE DULLES CORRIDOR** (Tape 4)

Chairman Hanley said that at last week's Transportation Coordinating Council's (TCC) Executive Committee meeting, the County was advised that the Commonwealth Transportation Board (CTB) earlier this month adopted a resolution which provides operating funds towards the initiation of express bus service from Loudoun County. Chairman Hanley stated that it is her understanding that the funds will be taken from the Transit Set-Aside Fund of the Dulles Toll Road Account and that these funds will be replenished with an equal amount of federal capital funds that have been appropriated in support of this bus service. The TCC Executive Committee was advised that this was a revenue neutral proposal aimed at converting federal capital money into operating funds and in no way would affect the amount of money in the Transit Set-Aside Account. Chairman Hanley stated that it appears that the time has come for Fairfax County to develop and submit a proposal towards securing transit operating funds for bus service in the Dulles corridor. This is particularly timely in view of the CTB's actions on the Dulles Corridor Rail Study in which early implementation of express bus service is noted. In addition, the County's own budget constraints also make it timely to use State funds for bus service in this corridor.

Therefore, Chairman Hanley moved that the Board direct the Office of Transportation (OT) to develop a proposal for submission to the CTB. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being absent.

51. **MAKE A DIFFERENCE DAY** (Tape 4)

Chairman Hanley announced that as part of the National "Make a Difference" day the Volunteer Center of Fairfax County has asked to have the Board proclaim Saturday, October 26, 1996 as "Volunteerfest Day 1996."

Chairman Hanley moved that the Board direct staff to:

- Prepare a Proclamation proclaiming October 14, 1996 as "**Volunteerfest Day 1996**" in Fairfax County; and
- Invite the members of the Volunteer Center's Board of Directors and staff to receive this Proclamation on October 26, 1996.

This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor Frey being absent.

52. **NATIVE AMERICAN MONTH** (Tape 4)

Chairman Hanley announced that the month of November is nationally recognized as Native American Month. In conjunction with Federal observances, the Office of Equity Programs requests that a Proclamation be made to observe Native American Month in Fairfax County.

Chairman Hanley moved that the Board direct staff to:

- Prepare a Proclamation designating the month of November as "**Native American Month**" in Fairfax County; and
- Invite a representative from the Office of Equity Programs and the Native American Community to receive this Proclamation on October 28, 1996.

This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Frey being absent.

53. **REQUEST FOR REVIEW AND COMMENT BY THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) OF A STUDY PREPARED BY THE CENTER FOR WATERSHED PROTECTION**
(Tape 4)

Chairman Hanley referred to her written Board Matter regarding a study prepared by the Center for Watershed Protection titled *The Limits to Growth: Sustainable Development in the Occoquan Basin* and moved that the Board direct staff to forward to the Environmental Quality Advisory Council (EQAC) a copy of this report for review and comment within 90 days. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Frey being absent.

54. **ACQUAINTING RELIGIOUS LEADERS WITH FAIRFAX COUNTY'S DEVELOPMENT PROCESS** (Tape 4)

Chairman Hanley referred to her written Board Matter in regard to acquainting religious leaders with the County's development process. Chairman Hanley stated that the staff in the Office of Comprehensive Planning (OCP) routinely conduct pre-application meetings.

Because there continues to be a significant amount of construction and expansion of places of worship in the County, Chairman Hanley moved that the Board direct OCP staff to:

- Review the issue of how to best make information available to religious leaders unfamiliar with the development process or those with site specific development proposals prior to the submission of an application; and
- Provide recommendations.

This motion was seconded by Supervisor McConnell.

Supervisor McConnell asked to amend the motion to direct staff to include her in the review process so that a meeting can be scheduled with the religious leaders to address additional concerns, and this was accepted.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Kauffman and asked to amend the motion to direct staff to make this information available to non-profit organizations as well as religious organizations, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor Frey being absent.

Acting-Chairman Kauffman returned the gavel to Vice-Chairman Hyland.

55. **PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996**
(Tape 4)

Chairman Hanley referred to a letter from the Alliance for Human Services raising several issues in the recently passed Personal Responsibility and Work Opportunity Act of 1996.

Therefore, Chairman Hanley moved that the Board direct:

- Staff to analyze and report on the impact this legislation will have on the delivery of human services in Fairfax County;
- The Legislative Subcommittee to address the impact of the Act on the immigration population in Fairfax County and include any recommendations in the 1997 Legislation Package; and
- Staff to determine what immediate exceptions may be necessary for Fairfax County to continue benefits to legal immigrants for the "necessary protection of life and safety"; and
- Staff to draft a response for the Board to submit to United States Attorney General Janet Reno.

This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being absent.

56. **COMMUNITY BASED AGENCY FUNDING POOL** (Tape 4)

- (A) Chairman Hanley stated that as part of the Fiscal Year (FY) 1997 Budget, the Board established a pool of funds to be awarded to community-based agencies on a competitive basis. This new process replaces the past practice, wherein some agencies received funds as a contribution from Fairfax County and some received funds through contracts with the County. As part of the new process, the Board created a group, the Community

Funding Implementation Team (CFIT). One of the assignments of CFIT is to sponsor public forums to obtain input on program priorities for funding, and to receive input from a broad representation of the community, including existing Human Services Boards, Authorities, and Commissions (BACs); recipients of services; community agencies, and the general public.

Therefore, Chairman Hanley announced there will be two community forums as follows:

- October 1, 1996 at 7:30 p.m., Multipurpose Room, Mt. Vernon Mental Health Center, 8119 Holland Road, Alexandria, Virginia 22306; and
- October 3, 1996 at 7:30 p.m., INOVA Auditorium, Room 101E, Cambridge Court Building, 8110 Gatehouse Road, Falls Church, Virginia 22042.

Chairman Hanley moved that the Board direct staff to schedule a public hearing to be held by the Board on **October 28, 1996 at 7:00 p.m.** on the Community Funding Policy Implementation Committee's recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being absent.

57. **"SHOP WITH A SHERIFF PROGRAM"** (Tape 4)

Chairman Hanley stated that she had received a letter from Sheriff Carl Peed regarding the "Shop with a Sheriff" program. This program was devised to provide underprivileged children of Fairfax County with the essential items necessary to begin a school year. Chairman Hanley said that Sheriff Peed asked that this program be brought to the attention of the Board in recognition of those employees who helped raise the money to support this program and volunteered their time to escort the children and to say thank you.

58. **NANCY VEHRS AWARDED THE DESIGNATION OF CERTIFIED MUNICIPAL CLERK (CMC)** (Tape 4)

Chairman Hanley announced that Nancy Vehrs, Clerk to the Board, has been awarded the designation of Certified Municipal Clerk (CMC).

59. **BOUNDARY STONES COMMITTEE REPORT** (Tape 4)

Chairman Hanley mentioned that she had received the Boundary Stones Committee Report and letter with several recommendations from the History Commission. She asked unanimous consent that the Board refer this information to staff for review and comment. Without objection, it was so ordered.

60. **ADDITIONAL APPOINTMENT TO THE COUNCIL OF GOVERNMENT (COG) COMMITTEE ON NOISE ABATEMENT** (Tape 4)

(APPTs)

In regard to appointments to the County of Governments (COG) Committee on Noise

Abatement Chairman Hanley moved that:

- Supervisor Frey be appointed as the Second Principal; and
- Supervisor Connolly and Supervisor Hyland be appointed as Alternates.

This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor Frey being absent.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

61. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) DRAFT ROUTE 236 TASK FORCE STUDY AVAILABLE** (Tape 4)

Supervisor Connolly reminded the Board that since June 1995 he, along with Supervisor Bulova and Supervisor Gross, have been holding meetings with representatives of their communities located along the Route 236 corridor and representatives of the Virginia Department of Transportation (VDOT), the County Office of Transportation (OT), and the City of Fairfax. The Jewish Community Center, Northern Virginia Community College, and other facilities and organizations have also participated. The purpose of this Task Force was to identify existing transportation problems along the corridor and propose improvements which would enhance traffic flow while protecting neighborhoods from increased cut-through traffic. Last week, VDOT issued a draft Route 236 Corridor Congestion Study as a result of these efforts. The report will be presented to the Board on November 18, 1996, at which time Supervisor Bulova, Supervisor Gross, and Supervisor Connolly may bring forth a motion for Board consideration. Supervisor Connolly stated that a draft study has been distributed to the representatives of the respective citizens associations who have participated in this effort with a request for their comments.

Supervisor Connolly announced that VDOT will be accepting public comment on this document through October 21, 1996. Supervisor Connolly, on behalf of Supervisor Bulova, Supervisor Gross and himself, invited the citizens of Providence, Mason and Braddock Districts to request a copy of the report and submit their comments to their Supervisor's office by October 21, 1996 to be considered along with the presentation of the report to the Board on November 18, 1996.

62. **COORDINATION OF TRAFFIC SIGNALS BETWEEN THE TOWN OF VIENNA, THE CITY OF FALLS CHURCH, AND FAIRFAX COUNTY** (Tape 4)

Supervisor Connolly said that he had received a copy of a letter from the Virginia Department of Transportation (VDOT) to the Fairfax County Office of Transportation (OT), which described VDOT's efforts to complete the installation of a computerized traffic signal system in Northern Virginia. According to that letter, the installation of the new signal is 94 percent complete in Fairfax County. The coordination component of this project is also nearly completed. The entire project is scheduled for completion in April 1997.

Supervisor Connolly further stated that the letter also reports that VDOT is making efforts to coordinate this new system with that of the City of Fairfax. As a result of those efforts, VDOT and the City of Fairfax have developed a draft plan for the improvement of signal coordination. That plan is on the agenda for discussion at the October 2, 1996 City/County meeting. However, the letter made no mention of any similar efforts involving the Town of Vienna or the City of Falls Church.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the OT to ask VDOT what, if any, efforts have been made toward coordinating Fairfax County's new system with those in the City of Falls Church and the Town of Vienna and other area jurisdictions. Without objection, it was so ordered.

63. **GREATER MERRIFIELD BUSINESS ASSOCIATION TOWN MEETING TELECAST** (Tape 4)

Supervisor Connolly mentioned he was pleased to co-host, along with the Greater Merrifield Business Association, a town meeting entitled *Merrifield in the 21st Century*. About 100 people participated in this event at the Fairview Park Marriott, which was designed to be an important first step in bringing the local business community and citizens groups into the process of shaping the future of this growing district. Many people worked to make this program the success it was, especially the steering committee, including Bob Mortensen, Larry McDermott, Anita Grazier, and Mary Brosnen, Jim Brown from Dewberry and Davis who put in many hours creating a futuristic composite map of the district that added immeasurably to the presentations. Supervisor Connolly stated that he wanted to thank the members of the County staff who added their expertise and skills to this effort: Anthony A. Griffin, Deputy County Executive for Planning and Development, who brought a thorough knowledge, and even humor, to the panel, and the staff of Channel 16, especially producer Donna Monnaci, for all their hard work and professionalism. He noted that the broadcast will be repeated on Channel 16 at 8:00 p.m. on October 7 and October 21, 1996.

64. **UNCAPPED SEWERS IN SHREVEWOOD COMMUNITY** (Tape 4)

Supervisor Connolly stated that residents of Oldewood Drive located off Shreve Road in the Providence District experienced more than the usual high waters along Holmes Run Creek during recent rains. The culvert behind their homes, which was reconfigured by the Virginia Department of Transportation (VDOT) during the recently completed Beltway construction project at Shreve Road, proved inadequate and directed the waters through Oldewood backyards. Described as a "raging river" on the Channel Seven live report from one of Supervisor Connolly's constituent's backyards during one evening newscast, the resulting flood toppled playground equipment and swept away toys and backyard furniture. Supervisor Connolly noted that he requested VDOT to inspect the site and VDOT is now investigating how the culvert can be enlarged and reconfigured. However, in the course of his inspection, open sewers were discovered in the floodplain behind these homes. VDOT has suggested that "tall caps" could be installed to prevent sewage overflow during heavy rains.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the

Department of Public Works to investigate this suggestion and report on how this issue can best be resolved. Without objection, it was so ordered.

65. **COMMUNITY AWARENESS OF AVAILABLE HUMAN SERVICES** (Tape 4)

Supervisor Connolly stated that the Board recently received the Human Services Council's report on the state of Human Services in Fairfax County. In that report, the Council identified areas of concern relating to how the Human Services apparatus meets the needs of the communities. Among the important issues raised was the need to enhance community awareness of what services are available. Early awareness of service availability can amount to preventative medicine, as it allows families to address problems before they require long-term publicly funded care.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to:

- Provide information on how Fairfax County currently publicizes its Human Services programs; and
- Formulate a strategy for the improvement of community awareness of available Human Services.

Without objection, it was so ordered.

66. **PERSONAL PROPERTY TAX PAYMENTS** (Tape 4)

Supervisor Connolly stated that October 5, 1996 is the deadline for paying Personal Property Taxes in Fairfax County. The Department of Tax Administration and the Office of Public Affairs has done an excellent job of informing the public of the various ways in which to pay, i.e., by phone, credit card, mail, or even now, on-line. The Smiles Program centers on speedy customer service, and there have been extra counters installed in the Government Center. However, due to budget reductions, this building is now the only tax office open for the public to pay in person and there is still a concern that long lines may form. Supervisor Connolly stated that he would like to remind taxpayers that they may pay their personal property tax by the due date at several Northern Virginia banks by cash or check, if they have their original bill and for the exact amount. These banks are Crestar, Central Fidelity, NationsBank, First Union, and First Virginia Bank.

Supervisor Connolly moved that the Board direct staff to include this information in future public notices and announcements disseminated to the taxpayers of Fairfax County. This motion was seconded by Supervisor McConnell.

Supervisor McConnell asked to amend the motion to include information that citizens can call the Department of Tax Administration at 222-8234 or TDD:222-7594 or use the Fairfax County Resource Information System (CRIS) Kiosk located in all of the governmental center offices to pay by Discover Card, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor Frey being absent.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide a response to citizens questions as to why Fairfax County can justify putting signs in Virginia Department of Transportation (VDOT) right-of-ways when citizens are not permitted to do so. Without objection, it was so ordered.

67. **REQUEST FOR CONCURRENT PROCESSING AND TO SCHEDULE A PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-129-4 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 84-P-129-3** (Tape 4)

Supervisor Connolly said that Pulte Home Corporation and Jade Development Company have filed Proffered Condition Amendment Application PCA 84-P-129-4 and Final Development Plan Amendment Application FDPA 84-P-129-3 on property known as Metro Place at Dunn Loring. The applicant proposes to build 397 multi-family units and 380,000 square feet of office on this 17.86 acre site located across the street from the Dunn Loring Metro Station.

The applications have been scheduled for a public hearing before the Planning Commission on December 12, 1996. To maintain the timetables for this project, the applicant has requested that a Board public hearing date be scheduled as well as concurrent processing of the preliminary plans and Site Plans with this PCA/FDPA request.

Therefore, Supervisor Connolly moved that the Board:

- Direct the Director of the Office of Comprehensive Planning (OCP) to schedule a public hearing to be held before the Board regarding Proffered Condition Amendment Application PCA 84-P-129-4 and Final Development Plan Amendment Application FDPA 84-P-129-3; and
- Direct the Director of the Department of Environmental Management (DEM) to accept the preliminary plans and Site Plans for concurrent processing with Proffered Conditions Amendment Application PCA 84-P-129-4 and Final Development Plan Amendment Application FDPA 84-P-129-3.

Supervisor Connolly stated that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards, and it does not prejudice the consideration of the application in any way.

This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor Frey being absent.

PMH:pmh

68. **INTERJURISDICTIONAL MEETING BETWEEN LOUDOUN COUNTY AND FAIRFAX COUNTY** (Tape 5)

Supervisor Mendelsohn asked unanimous consent that the Board direct Chairman Hanley to contact her counterpart in Loudoun County to schedule an interjurisdictional meeting regarding issues that are developing between Loudoun County and Fairfax County. Without objection, it was so ordered.

69. **MRS. CHRISTINE SLEEPER, LATIN TEACHER FROM HERNDON HIGH SCHOOL TO BE RECOGNIZED FOR YEARS OF SERVICE** (Tape 5)

Supervisor Mendelsohn moved that the Board invite Mrs. Christine Sleeper, a Latin teacher from Herndon High School, to appear before the Board on November 18, 1996 to be recognized for her years of dedication to Fairfax County students. Mrs. Sleeper has been teaching Latin at Herndon High School since 1965 and is the oldest teacher in Fairfax County at the youthful age of 80. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Frey being absent.

70. **EXCESS SCHOOL PROPERTY** (Tape 5)

Supervisor Mendelsohn noted that the School System is in need of additional capital funds for new schools and renovations of old schools to bring them up to current standards. There are a number of sites that the School System owns that they no longer need for school use. The School Board has been unwilling to sell these sites without any assurance that the funds received would be used in their entirety for school use.

Supervisor Mendelsohn said that the previous Board of Supervisors in 1995 went on record as supporting the process and procedure of the School Board selling surplus public school property, specifically, only the Dead Run Site located in Dranesville. The purpose of a surplus school real property sale would be to direct the funds generated by such action to the School Board's Capital Improvement Fund.

Supervisor Mendelsohn moved that the Board:

- Go on record as continuing its support for the prior Board's action relative to the process and the Dead Run Site;
- Agree that all of the proceeds from the sale of any school property deemed excess by the School Board go to the School's Capital

Improvement Fund pursuant to Virginia State statute; and

- Encourage the School Board to aggressively pursue the sale of excess school property.

This motion was seconded by Supervisor Kauffman.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Dix asked unanimous consent that the Board direct staff to determine:

- Whether the Board has the authority to consider negotiating land swaps to meet public facility needs; and
- Prior to the sale of properties the possibility of needs in new and different areas for future uses such as schools.

Following further discussion, Supervisor Mendelsohn asked unanimous consent that the Board defer this issue until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, this issue was revisited. See Clerk's Summary Item CL#128.)

71. **APPOINTMENT TO THE HUMAN SERVICES COUNCIL** (Tape 5)

(APPT)

Supervisor Bulova moved the appointment of Ms. Sally Bredencamp as the Braddock District Representative to the Human Services Council to fill the unexpired term of Ms. Esther Eisenhower. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being absent.

(NOTE: Later in the meeting, there was additional action taken regarding this item. See Clerk's Summary Item CL#72.)

72. **STANLEY KIEFFER, CHAIRMAN, CONSUMER PROTECTION COMMISSION (CPC) TO BE RECOGNIZED FOR YEARS OF SERVICE** (Tape 5)

(NOTE: Earlier in the meeting, it was noted that Ms. Esther Eisenhower had resigned from as the Braddock District Representative to the Human Services Council. See Clerk's Summary Item CL#71.)

Supervisor Bulova asked unanimous consent that the Board direct staff to invite Stanley Kieffer, Chairman, Consumer Protection Commission (CPC) and Ms. Esther Eisenhower to appear before the Board to be recognized for their years of service. Without objection, it was so ordered.

73. **DRIVE-THRU PERSONAL PROPERTY TAXES** (Tape 5)

Supervisor Bulova asked unanimous consent that the Board direct staff to determine

whether there is a possibility of setting up a drive-thru for payment of personal property taxes at the Government Center for the next tax year. Without objection, it was so ordered.

74. **HAPPY ANNIVERSARY** (Tape 5)

(NOTE: Earlier in the meeting, Supervisor Bulova's Wedding anniversary was recognized. See Clerk's Summary Items CL#2 and CL#20.)

Supervisor Bulova wished her husband a Happy Anniversary and expressed her appreciation for the flowers he sent.

75. **OPPOSITION TO THE ADULT BOOK AND VIDEO RENTAL STORE ON OLD KEENE MILL ROAD** (Tape 5)

Supervisor Kauffman stated that he and Supervisor McConnell are united in their opposition to the Adult Book and Video Rental Store which recently opened on Old Keene Mill Road in the heart of the Central Springfield Business District. He noted that they had both received calls and letters from area residents and business leaders who see this business, at the gateway to Springfield, as an unwelcome addition to the revitalization and community improvement efforts.

Supervisor Kauffman moved that the Board direct staff to:

- Seek the immediate involvement of the Commonwealth Attorney and Police to determine whether the establishment is in violation of the pornography statutes of the Commonwealth of Virginia;
- Determine if the business is in violation of the *Code of the County of Fairfax*; and
- If neither State nor local codes apply, determine whether an amendment to the *Code of the County of Fairfax* could be enacted to block the spread of such establishments.

This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being absent.

76. **GROVETON SCHOOL SITE** (Tape 5)

Supervisor Kauffman stated that the County owns the property that once served as the Groveton Elementary School. He added that 21 years ago, this site was to be sold to retire bond money for the current Groveton School. Nearly a decade ago, the site was cleared to accommodate what was to be a County-owned and tenanted satellite office for public services.

Supervisor Kauffman said that changes in the revenue stream and new approaches to constituent service led the County to abandon plans to build an office for this site. However, the County has not relinquished its goal of attracting offices and relocating employment to Route One.

Supervisor Kauffman moved that the Board direct the Revitalization Office and the Southeast Fairfax Development Corporation (SFDC) (with the help of the County Executive and other required agencies) to solicit private development opportunities for this site. He added that it might be possible to make providing County office space or other public benefits a condition of the transfer or sale of the property. This motion was seconded by Supervisor Mendelsohn.

Supervisor Kauffman stated that one such shared use would be the possible relocation of the Area I School Administrative Offices. Given the growth and the projected growth of the school population, he suggested serious consideration (in coordination with the School Board) to the re-opening the Virginia Hills Elementary School.

Following discussion when it was clarified that there will be no additional cost or fiscal impact of this project, the question was called on the motion which carried by a vote of eight, Chairman Hanley being out of the room, Supervisor Frey being absent.

77. **CONCURRENT PROCESSING FOR THE PROPERTY WHICH IS THE SUBJECT OF REZONING APPLICATION RZ 96-L-005 (SPRINGFIELD CAMPUS, L.L.C.)** (Tape 5)

Supervisor Kauffman moved that the Board:

- Approve concurrent processing for the property which is the subject of Rezoning Application RZ 96-L-005 (Springfield Campus, L.L.C.); and
- Direct the Director of the Department of Environmental Management (DEM) to accept and process Site Plans, Subdivisions Plans and associated minor Site Plans pertaining to the subject property while this rezoning action is pending; and
- Direct DEM to review the applicant's Preliminary and Final Site Plans and Subdivision Plans concurrently.

Supervisor Kauffman stated that the applicant understands that this approval neither provides him with a vested right in plan approval nor relieves him from the responsibility

of any plan modification that may be required as a result of Board and/or staff review. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

78. **GROVEDALE INVESTORS, LLC** (Tape 5)

Supervisor Kauffman presented numerous reasons in his written documentation for the Board to authorize the County Executive to execute on behalf of the Board a waiver of violation of private restrictive covenants by Grovedale Investors, LLC, with respect to its proposed development of office condominiums.

Therefore, Supervisor Kauffman moved that the Board authorize the County Executive to execute, on behalf of the Board, a waiver of violation of private restrictive covenants by Grovedale Investors, LLC, with respect to its proposed development of office condominiums, as previously described, in a form approved by the County Attorney. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

79. **APPRECIATION TO CHAIRMAN HANLEY FOR ATTENDING THE EVENT AT THE KINGSTOWNE FIRE STATION** (Tape 5)

Supervisor Kauffman expressed his appreciation to Chairman Hanley for attending the event at Kingstowne Fire Station, Company 37.

80. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 88-C-066 AND PCA 86-C-029-5 (DULLES CORNER PROPERTIES II, LIMITED PARTNERSHIP) (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Dix announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Proffered Condition Amendment Applications PCA 88-C-066 and PCA 86-C-029-5 until November 18, 1996 at 4:00 p.m.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#116.)

81. **APPOINTMENT TO THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)** (Tape 5)

(APPT)

Supervisor Dix moved the appointment of Ms. Jody Bennett as the Hunter Mill District Representative to the Environmental Quality Advisory Council (EQAC) to fill the unexpired term of Mr. William Thomson. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

82. **"CHARACTER COUNTS WEEK" IN FAIRFAX COUNTY** (Tape 5)

Supervisor Dix noted that the Character Counts Coalition is a national partnership of organizations and individuals joined together in a collaborative effort to improve the character of America's young people.

Supervisor Dix said that the Character Counts Coalition is an alliance of nonprofit organizations, churches, businesses, schools, and communities. Member organizations include the American Red Cross, the Boy Scouts, Big Brothers/Big Sisters of America, the YMCA, and the United Way of America, among others.

Supervisor Dix moved that the Board:

- Proclaim the week of October 13 through 19, 1996 to "**Character Counts Week**" in Fairfax County; and
- Direct staff to prepare the appropriate Proclamation to be presented at the Board meeting scheduled for October 14, 1996.

This motion was seconded by Supervisor Gross and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

83. **DEER OVERPOPULATION** (Tape 5)

Supervisor Dix referred to the issue of deer overpopulation in Fairfax County. He said that there was concern in the community regarding the methods and tactics that are discussed about how to control the growth of the deer population.

Supervisor Dix asked unanimous consent that the Board:

- Direct the Committee to set up to review the recommendations being discussed such as bow hunting as opposed to the utilization of firearms as a way to control these populations; and

- Include those individuals who have previously worked on other legislative items work on the "front end" of this process rather than after the fact.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the request to include coordination with the Department of Game and Inland Fisheries, and this was accepted.

Without objection, the request as amended, was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Dix asked unanimous consent that the Board direct the Department of Animal Control to assist in this effort. Without objection, it was so ordered.

84. **CO-LOCATION AT THE FIRE STATION** (Tape 5)

Supervisor Dix said that recently the Board approved Special Exception Amendment Application SEA 85-C-005 to permit the co-location of a telecommunications facility at a fire station. He said that there is another user who is interested in participating in this co-location who has been denied access to this particular facility.

Supervisor Dix asked unanimous consent that the Board refer this issue to staff for further review and comment as it relates to additional opportunities for co-location on the above mentioned property. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to report with information regarding the limits for use of a single pole. Without objection, it was so ordered.

There was a brief discussion, with input from William J. Leidinger, County Executive, regarding this issue.

85. **NEW GENERATIONS AND MATES PROGRAMS** (Tape 5)

Supervisor Dix referred to the New Generations and MATES Programs in the substance abuse area. He asked unanimous consent that the Board direct staff to report with the following "side by side" profile of the two programs:

- The date that a client entered these two programs;
- The date that the client established residency in Fairfax County;
and

- What other range of public services that these clients are receiving to determine a conglomerate amount that is associated with the clients in these two different programs.

Without objection, it was so ordered.

86. **CONGRATULATIONS TO THE INDIVIDUALS AT THE MARTIN LUTHER KING, JR. CHRISTIAN CHURCH** (Tape 5)

Supervisor Dix expressed his congratulations to the individuals at the Martin Luther King, Jr. Christian Church who broke ground on the facility in Reston.

NV:nv

87. **FEE WAIVER FOR SCHOOL FOR CONTEMPORARY EDUCATION'S IMPLEMENTATION OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-M-101** (Tape 6)

Supervisor Gross reminded the Board that on July 8, 1996 the Board approved the School for Contemporary Education's Special Exception Amendment Application SEA 85-M-101. The school is a Virginia non-profit corporation founded in 1967 to provide special education and related services for children with educational handicaps, and is approved for receipt of public funds by the Virginia Department of Special Education.

Accordingly, Supervisor Gross moved that the Board direct staff to waive all Department of Environmental Management (DEM) fees associated with the school's implementation of Special Exception Amendment Application SEA 85-M-101. Following a clarification from David P. Bobzien, County Attorney, regarding the legality of this waiver, this motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being absent.

88. **POLICING OF DOGS** (Tape 6)

Supervisor Gross stated that she has been contacted on several occasions by citizens concerned about the policing of dogs in their neighborhoods. She expressed her understanding that some neighborhood associations have had to individually contact private sign companies to produce an appropriate public sign. She stated that after consultation with David R. Flagler, Director, Department of Animal Control, she was convinced that there is a need for the County to have a standard, recognizable sign available for purchase by neighborhood associations.

Accordingly, Supervisor Gross moved that the Board direct staff to determine the feasibility of developing and making available a standard sign for the policing of dogs. Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to include the cost implementations, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion, this motion was seconded by Supervisor Mendelsohn and carried by a vote of nine, Supervisor Frey being absent.

89. **SIGNAGE TO AND FROM THE GOVERNMENT CENTER** (Tape 6)

Supervisor Gross reminded the Board that in January of this year she had raised the issue of improving directional signage for the Government Center and in July, 1995 Supervisor Hyland had raised the same issue.

Supervisor Gross noted that one effect of the closing of the branch tax offices is that more citizens are attempting to find their way to the Government Center. She acknowledged that the Department of Tax Administration (DTA) had gone to great lengths to make its service as convenient as possible and she expressed her appreciation to the staff of that Department. She stated that one of the few complaints received by Kevin Greenleaf, Director, DTA, is that citizens are having difficulties in finding the Government Center.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct staff to provide:

- Suggestions for improving the signage to and from the Government Center complex; and
- An explanation for any "roadblocks" which have inhibited its efforts, if staff does not believe that it can return with suggestions.

Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to coordinate with Supervisor Frey's office on this issue. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Bulova raised the issue of the confusion caused by the recent painting of one of the lanes approaching the Government Center from the east on Lee Highway, Route 29. Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct the staff of the Office of Transportation to communicate this problem to the Virginia Department of Transportation (VDOT). Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

90. **APPOINTMENT TO THE PARK AUTHORITY** (Tape 6)

(APPT)

Supervisor McConnell moved the appointment of Mr. Kenneth Feng as the Springfield District Representative to the Park Authority. This motion was seconded by Chairman Hanley and carried by a vote of seven, Supervisor Dix and Supervisor Kauffman being out of the room, Supervisor Frey being absent.

91. **SPOT TRANSPORTATION IMPROVEMENTS** (Tape 6)

Supervisor McConnell stated for the past two years the Transportation Advisory Commission (TAC) has recommended a program of spot transportation improvements based upon identified needs within each supervisor district. The Board subsequently approves funding for the Top Spot Improvement Projects prioritized by TAC. The Board and TAC desire to keep the citizens informed regarding the status of the current program and to continue to identify spot improvement projects for consideration in the future.

Accordingly, Supervisor McConnell moved that the Board direct TAC to:

- Brief the District Councils or other appropriate representative groups on the status of the current transportation spot improvement program;
- Obtain rank ordered suggestions for additional spot improvement projects in each supervisor district for subsequent prioritization by the TAC; and
- Report with recommendations for consideration by the Board.

This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor Frey being absent.

92. **SCHEDULING OF PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-W-007** (Tape 6)

Supervisor McConnell reported that the applicant's representative regarding Balmoral Green, Proffered Condition Amendment Application PCA 92-W-007, has contacted her office to request a date for the public hearing for the application to be held before the Board. The application, as proposed, involves a minor lot line modification within the Balmoral development. The public hearing to be held before the Planning Commission is scheduled for October 30, 1996.

In consideration of unfortunate processing delays and the applicant's request, Supervisor McConnell moved that the Board direct staff to schedule the public hearing for Proffered Condition Amendment Application PCA 92-W-007 to be held before the Board on November 18, 1996. This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor Frey being absent.

93. **ECONOMIC INDEX FOR THE COUNTY** (Tape 6)

Supervisor McConnell stated that the Economic Advisory Commission (EAC) held a meeting on September 26, 1996 and the Commission unanimously approved a motion to request staff to move with deliberate speed to construct an economic index for the County. She reminded the Board that this recommendation was contained in the Economic Strategic Plan which was presented to the Board on April 17, 1995 and adopted by the Board after holding a public hearing on May 22, 1995. She reported that she was notified by the County Executive that the construction of the index has been delayed due to the recent budget process and its demands.

Now that the budget process is complete, Supervisor McConnell moved jointly with Supervisor Connolly that the Board direct the County Executive to expeditiously take the actions necessary to construct the County's economic index because this is an integral part of the adopted Economic Strategic Plan and an invaluable tool to the County in determining its economic health. This motion was seconded by Chairman Hanley.

Following discussion, with a brief presentation by Michael Horwatt, Member, EAC, the question was called on the motion which carried by a vote of eight, Supervisor Dix being out of the room, Supervisor Frey being absent.

94. **TAXICAB ORDINANCE** (Tape 6)

Supervisor McConnell raised the issue of the hearing process required for companies applying for taxicab licenses. She asked unanimous consent that the Board direct staff to provide information as to the requirements related to the taxicab ordinance and, if appropriate upon review of the requirements by the Board, to refer the issue to the Legislative Committee. Without objection, it was so ordered.

95. **REQUEST FOR GENERAL AND TRAFFIC COURT SERVICES AT MOUNT VERNON GOVERNMENTAL CENTER** (Tape 6)

Supervisor Hyland stated that he recently received a request from the Mount Vernon Council of Citizens Associations (MVCCA) concerning use of the space vacated by the Department of Tax Administration in the Mount Vernon Governmental Center. He noted that for some time the citizens of Mount Vernon have requested that the County provide a court and judicial service for residents in the southern part of the County. He said that the vacated space in the Governmental Center may provide this opportunity.

Pointing out several compelling arguments for this service and the resolution from the MVCCA, Supervisor Hyland asked unanimous consent that the Board:

- Refer this item to staff for further study; and
- Direct staff to return this matter to the Board with a recommendation for consideration.

Without objection, it was so ordered.

96. **POHICK CHURCH 51ST COUNTRY FAIR** (Tape 6)

Supervisor Hyland referred to his written Board Matters, as distributed to the Board, and announced that on October 5, 1996 (rain date October 12, 1996) the Pohick Episcopal Church, Truro Parish, will hold its 51st Annual Pohick Country Fair.

Supervisor Hyland moved that the Board:

- Direct staff to waive the \$50 Special Use Permit fee for this event, subject to the County Attorney's opinion that this fee can be waived.

David P. Bobzien, County Attorney, clarified the legality of the fee waiver.

Supervisor Hyland further moved that the Board:

- Proclaim Saturday, October 5, 1996 as "**Historic Pohick Church Day**" in celebration of the 51st Anniversary of the Pohick Church Country Fair.

This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Frey being absent.

97. **PROCLAMATION DESIGNATING OCTOBER 13-19, 1996 AS "NATURAL RESOURCES CONSERVATION WEEK" IN FAIRFAX COUNTY** (Tape 6)

Supervisor Hyland, on behalf of the Northern Virginia Soil and Water Conservation District, moved that the Board:

- Proclaim October 13 through 19, 1996 as "**Natural Resources Conservation Week**" in Fairfax County; and
- Direct staff to prepare the Proclamation for presentation to the Northern Virginia Soil and Water Conservation District Board at the Board meeting scheduled for October 14, 1996.

This motion was seconded by Supervisor Gross and carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Frey being absent.

98. **PROCLAMATION DESIGNATING SEPTEMBER 21, 1996 THROUGH OCTOBER 19, 1996 AS "FALL RIVER RENAISSANCE MONTH" IN FAIRFAX COUNTY** (Tape 6)

Supervisor Hyland moved that the Board:

- Proclaim September 21, 1996 through October 19, 1996 as "**Fall River Renaissance Month**" in Fairfax County; and
- Direct staff to assist the Northern Virginia Soil and Water Conservation District with publicizing this important activity.

Chairman Hanley referred to a Board Matter she had presented and added that the wording of the Proclamation could be essentially the same.

Without objection, the request was so ordered.

99. **WOODROW WILSON BRIDGE COORDINATION COMMITTEE DECISION ON PREFERRED ALTERNATIVE** (Tape 6)

Supervisor Hyland briefed the Board on the deliberations and agreements by the Coordinating Committee on the preferred alternative to replace the Woodrow Wilson Bridge. He clarified the Committee's action regarding the lane designations and distributed a written summary.

100. **REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING OF SITE PLAN 9391SP01-1 AND BUILDING PERMIT** (Tape 6)

Supervisor Hyland stated that Mr. Willard Wilcox has submitted a corrected Site Plan 9391SP01-1 for the business office of Wilcox Caulking Corporation. The office is to be located at 10119 Giles Run Road, Lorton, Virginia and is the former site of Fairfax Wood and Concrete. Due to the approaching cold weather and the extensive in-ground work that must be completed prior to building on the site, Mr. Wilcox needs an expedited process.

Accordingly, Supervisor Hyland moved that the Board direct staff to concurrently and expeditiously process Site Plan 9391SP01-1 and the accompanying required building permit. He noted that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards, and it does not prejudice the consideration of the Site Plan and Building Permit in any way. This motion was seconded by Chairman Hanley and carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Frey being absent.

101. **BOARD CONCURRENCE IN THE FILING OF A REZONING APPLICATION FOR CENTREVILLE FARMS** (Tape 6)

In the absence of Supervisor Frey, Chairman Hanley presented a Board Matter on his behalf. She stated that Gerald Waldman has filed a rezoning application for 14.8799 acres from R-1 to PDH-5 in Centreville Farms, Sully District, identified as Tax Map Number 55-3 ((2)) parcels 60, 61, 62, 63, 64, 83, 84, and 85. The Application has not been accepted because the site contains a portion of Bradley Road, a dedicated right-of-way, which is owned by the Board. Although the applicant intends to abandon or vacate this portion of Bradley Road, the Board must agree that this property may be included as part of the Rezoning Application.

Accordingly, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the filing of a Rezoning Application on the above referenced property, part of which contains a portion of Bradley Road, a dedicated right-of-way, owned by the Board. This motion should not be construed as a favorable recommendation by the Board on the proposed rezoning application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Frey being absent.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

102. **WELCOME TO HERNAN G. WELCH, FINANCIAL AUDITOR TO THE BOARD** (Tape 6)

(NOTE: Earlier in the meeting, the Board appointed Hernan G. Welch as the Financial Auditor to the Board. See Clerk's Summary Item CL#21.)

Chairman Hanley formally introduced Mr. Hernan G. Welch, newly appointed Financial Auditor to the Board, and warmly welcomed him.

103. **RECESS/EXECUTIVE SESSION** (Tape 6)

At 2:15 p.m., Supervisor Connolly moved that the Board recess and go into Executive Session for discussion or consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel, and in addition:

- Proposed Memorandum of Understanding Between the Economic Development Authority (EDA) and the Board of Supervisors;
- *Prosperity Metro Plaza L.P. versus Board of Supervisors*, At Law Number 137655;

- *Lifeco Fair Oaks Office Building Joint Venture versus Board of Supervisors*, At Law Number 137704;
- Request by District Home to Authorize a Transfer of Property to the Virginia Department of Transportation (VDOT); and
- *Sheila Patterson versus County of Fairfax*, Civil Action Number 93-788-A.

This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being absent.

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At 5:40 p.m., the Board reconvened in the Board Auditorium with all Board Members being present, with the exception of Supervisor Frey and Supervisor Hyland, and with Chairman Hanley presiding.

ADDITIONAL ACTIONS FROM EXECUTIVE SESSION

104. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION** (Tape 7)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard, discussed, or considered by the Board during the Executive Session. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland being out of the room, Supervisor Frey being absent.

105. **ACCEPTANCE OF SETTLEMENT OFFER IN THE MATTER OF PROSPERITY METRO PLAZA LIMITED PARTNERSHIP VERSUS BOARD OF SUPERVISORS, AT LAW NUMBER 137655** (Tape 7)

Supervisor Connolly moved that the Board accept the settlement offer in the matter of *Prosperity Metro Plaza Limited Partnership versus Board of Supervisors*, At Law Number 137655, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Chairman Hanley and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

106. **AUTHORIZATION FOR SETTLEMENT OF HOWARD W. SMITH, JR. AND BENJAMIN M. SMITH, JR., TRUSTEES VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AT LAW NUMBER 128948** (Tape 7)

Supervisor Dix moved that the Board authorize settlement in the matter of *Howard W. Smith, Jr. and Benjamin M. Smith, Jr., Trustees versus Board of Supervisors of Fairfax County, Virginia*, At Law Number 128948, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

107. **AUTHORIZATION FOR SETTLEMENT IN THE CLAIM OF BROYHILL HOMES, INCORPORATED** (Tape 7)

Supervisor Dix moved that the Board authorize settlement in the Claim of Broyhill Homes, Incorporated, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

108. **BOARD OF SUPERVISORS ACCEPTANCE OF THE OFFER OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO CREATE A RIGHT OF ENTRY TO THE DISTRICT HOME SITE** (Tape 7)

Supervisor Dix moved that the Board accept the offer of the Virginia Department of Transportation (VDOT) to create a right of entry to the District Home site, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

109. **ACCEPTANCE OF SETTLEMENT OFFER IN THE MATTER OF LIFECO FAIR OAKS OFFICE BUILDING JOINT VENTURE VERSUS BOARD OF SUPERVISORS, AT LAW 137704** (Tape 7)

Supervisor Dix moved that the Board accept the settlement offer in the matter of *Lifeco Fair Oaks Office Building Joint Venture versus Board of Supervisors*, At Law Number 137704, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

110. **I-11 - FEDERAL WELFARE REFORM - FOOD STAMP PROGRAM CHANGES**
(Tape 7)

(NOTE: Earlier in the meeting, the Board requested additional information on this item. See Clerk's Summary Item CL#47.)

Chairman Hanley called the Board's attention to a hand-out in response to the question raised earlier in the meeting concerning the Food Stamp Program.

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111. **3:30 P.M. - PH ON REZONING APPLICATION RZ 96-P-014 (WILLIAM B. FETSCH, TRUSTEE) (PROVIDENCE DISTRICT)** (Tape 8)

- (O) Mr. William B. Fetsch reaffirmed the validity of the affidavit for the record.

Mr. Fetsch had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Leslie Johnson, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 96-P-014 be amended from the R-4 and Highway Corridor Districts to the R-8 and Highway Corridor Districts subject to the execution of the proffers dated July 23, 1996. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

Supervisor Connolly moved:

- Waiver of the minimum district size requirement for the R-8 District; and
- Waiver of the service drive requirement along the Route 29 frontage of the site.

This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

With regard to the Special Permit Application approved by the Board of Zoning Appeals (BZA) for the Lee Graham Recreation Facility, Supervisor Connolly moved that the Board direct the Director, Department of Environmental Management (DEM) to:

- Waive the requirement for inter-parcel access to the Lee Graham Shopping Center; and
- Waive the service drive requirement along the Route 29 frontage

of the recreational facility.

This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

112. **3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-Y-036 (FAIRFAX CHURCH OF CHRIST) (SULLY DISTRICT)** (Tape 8)

Mr. Bruce A. Black reaffirmed the validity of the affidavit for the record.

Supervisor Kauffman disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. R. Bruce Thompson, BC Consultants, Incorporated, through his association with Kingstowne Limited Partnership.

Mr. Black had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Lorrie Kirst, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

On behalf of Supervisor Frey, Supervisor Dix moved approval of Special Exception Amendment Application SEA 93-Y-036 subject to the development conditions dated September 26, 1996. This motion was seconded by Chairman Hanley and carried by a vote of six, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room, Supervisor Frey being absent.

Supervisor Dix moved that the Board:

- Reaffirm the modification of the transitional screening;
- Waive the barrier requirements along the northern and western boundaries; and
- Reaffirm the modification of the barrier requirement along the eastern boundary.

This motion was seconded by Chairman Hanley and carried by a vote of six, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room, Supervisor Frey being absent.

113. **3:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-II-V2 FOR SUB-UNIT A-3 OF THE TYSONS CORNER URBAN CENTER (HUNTER**

MILL DISTRICT (Tape 8)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of September 12 and September 19, 1996.

Following the public hearing, which included testimony by two speakers, Supervisor Dix moved approval of Out-of-Turn Plan Amendment S96-II-V2 for Sub-Unit A-3 of the Tysons Corner Urban Center as recommended by staff and modified by the Planning Commission on September 11, 1996. These modifications provide additional clarifications with respect to dedication of an Environmental Quality Corridor (EQC) and the historic Ash Grove House to the Park Authority, specifying preservation of several specimen trees, adding flexibility to the residential unit mix, ensuring provision of adequate buffers and screening, and clarifying how access to the Ash Grove House should be provided. This motion was seconded by Supervisor Mendelsohn and carried by a vote of seven, Supervisor Hyland and Supervisor McConnell being out of the room, Supervisor Frey being absent.

114. **3:30 P.M. - PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) TO ELIMINATE REQUIREMENTS FOR MOTORCYCLE PARKING PERMITS IN RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD) (COUNTYWIDE)**
(Tape 8)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of September 12 and September 19, 1996.

Following the public hearing, which included testimony by one speaker and input from Alexis L. Verzosa, Transportation Planner II, Office of Transportation, Supervisor Bulova moved that the Board:

- Defer its decision on the adoption of a proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to eliminate the requirements for motorcycle parking permits in Residential Permit Parking Districts (RPPDs); and
- Direct staff to examine the possibility of issuing an RPPD decal to motorcycle owners without the expense of ordering a special decal to fit the motorcycle.

This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

115. **3:30 P.M. PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, REGARDING ADOPTION OF STATE LAW TO INCREASE FINES FOR SPEEDING IN RESIDENTIAL AREAS** (Tape 8)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal*, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of September 12 and September 19, 1996.

Following the public hearing, which included testimony by two speakers, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) Section 82-1-6, Adoption of the State Law, to reflect the changes made to the *Code of Virginia* by the 1996 General Assembly which makes violators of speed limits in residential areas subject to a \$200 fine, **to become effective on October 1, 1996 at 12:01 a.m.** This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Hyland and Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

116. **4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 88-C-066 AND PCA 86-C-029-5 (DULLES CORNER PROPERTIES II, LIMITED PARTNERSHIP) (HUNTER MILL DISTRICT)** (Tape 8)

Supervisor Dix moved to defer the public hearing on Proffered Condition Amendment Applications PCA 88-C-066 and PCA 86-C-029-5 until **November 18, 1996 at 4:00 p.m.** This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Hyland and Supervisor Mendelsohn being out of the room, Supervisor Frey being absent.

117. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 91-D-021 (THOMAS A. AND ANNE C. DIBENEDETTO) (DRANESVILLE DISTRICT)**
(No Tape)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#119.)

118. **4:00 P.M. - PH ON THE VACATION OF A PORTION OF DAVISFIELD LANE (SPRINGFIELD DISTRICT)** (Tape 8)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal*, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of September 12 and September 19, 1996.

Following the public hearing, which included testimony by three speakers, Supervisor McConnell moved that the Board:

- Adopt the Ordinance vacating a portion of Davisfield Lane subject to a 10-foot wide trail easement being recorded on this property; and
- Direct staff to proceed with an Out-of-Turn Plan Amendment to amend the Trails Plan to include a trail connection from this portion of Davisfield Lane to Roundabout Way in Middle Valley.

This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Dix and Supervisor Hyland being out of the room, Supervisor Frey being absent.

119. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 91-D-021 (THOMAS A. AND ANNE C. DIBENEDETTO) (DRANESVILLE DISTRICT)**
(Tape 8)

Mr. Thomas A. DiBenedetto reaffirmed the validity of the affidavit for the record.

Mr. DiBenedetto had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning

Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Special Exception Application SE 91-D-021 subject to the development conditions dated July 25, 1996;
- Modification of the transitional screening yard requirements along the southern, eastern and western boundaries pursuant to the provisions of Section 13-304 of the Zoning Ordinance;
- Waiver of the barrier along the southern, eastern and western boundaries pursuant to the provisions of Section 13-304 of the Zoning Ordinance; and
- Waiver of the minimum side yard requirement pursuant to the provisions of Section 2-418 of the Zoning Ordinance, permitting the modifications of yards in central business centers subject to the development conditions dated July 25, 1996.

This motion was seconded by Supervisor Gross and carried by a vote of seven, Supervisor Hyland and Chairman Hanley being out of the room, Supervisor Frey being absent.

120. **4:00 P.M. - PH ON THE VACATION OF A PORTION OF DAVISFIELD LANE (SPRINGFIELD DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#118.)

121. **4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-V-064-3 (ISLAMIC SAUDI ACADEMY) (MOUNT VERNON DISTRICT)** (No Tape)

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#123.)

122. **4:30 P.M. - PH ON REZONING APPLICATION RZ 95-P-061 (J. A. LOVELESS HOMES VI, INCORPORATED) (PROVIDENCE DISTRICT)** (Tapes 8-9)

(O) Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed that she had a financial arrangement with Loveless Homes on a piece of property which she owned in Springfield.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by eight speakers, Phyllis Wilson, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 95-P-061 be amended from the R-2 District to the R-3 District subject to the execution of the revised proffers dated September 30, 1996.

This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Acting-Chairman Dix voting "AYE," Supervisor Hyland, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor Frey being absent.

Supervisor Connolly moved that the Board direct staff to return the Site Plan associated with Rezoning Application RZ 95-P-061 to the Planning Commission prior to approval to ensure

that the designated tree save areas are properly addressed and preserved. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Acting-Chairman Dix voting "AYE," Supervisor Hyland, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor Frey being absent.

123. **4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-V-064-3 (ISLAMIC SAUDI ACADEMY) (MOUNT VERNON DISTRICT**
(Tape 9)

On behalf of Supervisor Hyland, Supervisor Kauffman moved to defer the public hearing on the Special Exception Amendment Application SEA 88-V-064-3 until **November 18, 1996 at 4:00 p.m.** This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Gross, Supervisor Hyland, and Supervisor McConnell being out of the room, Supervisor Frey being absent.

124. **4:30 P.M. - PH ON PROPOSED AMENDMENT TO A LEASE WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA) FOR COUNTY-OWNED PROPERTY (HUNTER MILL DISTRICT)** (Tapes 9-10)

Certificates of Publication were filed from the Editor of the *Fairfax Journal*, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of September 12 and September 19, 1996.

Chairman Hanley disclosed that she and Supervisor Dix are on the Committee of Management for the Young Men's Christian Association (YMCA) in Fairfax County, and there is no financial compensation either for this service or investment in any stock of the YMCA.

Supervisor Dix disclosed that he also serves as a member of the Board of Directors of the Metropolitan Washington YMCA without financial compensation.

Following the public hearing, which included testimony by seven speakers, Supervisor Dix moved that the Board authorize the County Executive to execute a First Amendment to a Lease for the County-owned property located at Tax Map Number 17-3 ((1)) 1-B with the Young Men's Christian Association (YMCA) for the purpose of extending the date from June 30, 1996 to March 1, 1997, for the YMCA to obtain a financing commitment, and the extension of the date by which construction of a recreation/teen center on the property would be completed from May 1, 1997 to April 15, 1998. This motion was seconded by Chairman Hanley and carried by a vote of six, Supervisor Kauffman, Supervisor Hyland, and Supervisor McConnell being out of the room, Supervisor Frey being absent.

ADDITIONAL BOARD MATTERS125. **COMMISSION FOR ORGAN AND TISSUE DONATION AND TRANSPLANTATION** (Tape 10)

(BACs)

With reference to the permission to perform medical reviews and the inclusion of the provision for confidentiality of those medical records, Supervisor Gross moved that the Board authorize the Commission for Organ and Tissue Donation and Transplantation to communicate its position to the groups working on this matter. This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Hyland and Supervisor McConnell being out of the room, Supervisor Frey being absent.

126. **CONTRACT WITH ANDERSEN CONSULTING** (Tape 10)

(NOTE: Earlier in the meeting, there was discussion of this contract. See Clerk's Summary Item CL#16.)

William J. Leidinger, County Executive, briefed the Board on the circumstances involved in the award of the contract to Andersen Consulting.

Following discussion and a reiteration of the Board's concerns mentioned earlier, Mr. Leidinger stated that he would address all of these concerns in writing to each Board Member by 12 noon on Tuesday, October 1, 1996.

Chairman Hanley clarified the Board's requests as follows:

- With reference to Amendment II, how much advertisement and recruitment effort went into the recruiting for these positions;
- With reference to the overall process, examine amendments to other Countywide contracts;
- Level of management which has the authority to authorize contract amendments; and
- Development of procedure for communication with the Board.

Supervisor Mendelsohn asked unanimous consent that the Board direct the County Executive to provide the number of personnel hired in this manner under other contracts. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to provide new Board Members with a copy of the original Board Item (contract) approved by the Board last year. Without objection, it was so ordered.

Supervisor Dix moved that the Board go on record stating that, between this date and the time the Board meets on October 28, 1996, any amendments to County contracts which

exceed \$100,000 or have amendments which in the aggregate would exceed \$100,000, must be authorized by the County Executive and notification provided to the Board before implementation. This motion was seconded by Chairman Hanley and carried by a vote of seven, Supervisor Hyland and Supervisor McConnell being out of the room, Supervisor Frey being absent.

127. **NON-PAYMENT OF REAL ESTATE TAXES** (Tape 10)

Chairman Hanley referred to an issue regarding the non-payment of real estate taxes prior to the initiation of an application for a Special Exception, Special Use Permit, Variance, or Rezoning prior to the issuance of final approval. At issue is whether the County may require an applicant to produce satisfactory evidence that any delinquent real estates taxes which have been properly assessed against the property have been paid. She stated that a 1996 amendment to the *Code of Virginia* which became effective this past July addresses this issue. The *Code of Virginia* appears to authorize the Board to adopt a Zoning Ordinance which could require the payment of real estate taxes prior to initiation or approval of any land-use applications.

Since the language of the *Code* seems to indicate that this is enabling legislation and does not grant self-executing authority to the local governing body, Chairman Hanley relinquished the Chair to Acting-Chairman Dix and moved that Board direct staff to:

- Draft an amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) which would require the payment of real estate taxes prior to the initiation of approval of any land-use application; and
- Address this issue with the Board of Zoning Appeals (BZA).

This motion was seconded by Supervisor Connolly.

Following a query from Supervisor Dix regarding landowners who are in arrears and currently on negotiated tax payment plans, Chairman Hanley clarified her motion as follows:

- To refer this issue to the County Attorney and the Office of Comprehensive Planning (OCP) for evaluation of the possibility of implementation of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance).

Supervisor Mendelsohn asked to amend the motion to state that taxes in arrears would be addressed by the County Attorney, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

128. **EXCESS SCHOOL PROPERTY** (Tape 10)

(NOTE: Earlier in the meeting, there was discussion of this matter. See Clerk's

Summary Item CL#70.)

Supervisor Mendelsohn referred to the County Attorney's response to his earlier Board Matter and moved that the Board go on record:

- Indicating its continued support of the prior Board's action relating to the process involving the Dead Run site;
- Expressing its intent that all the proceeds from the sale of any School property deemed excess by the School Board will go to the Schools' Capital Improvement Fund pursuant to Virginia statute; and
- Indicating that the Chairman of the Board of Supervisors will work with the Chairman of the School Board to encourage the School Board to pursue the sale of excess property wherever feasible.

This motion was seconded by Chairman Hanley and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Frey being absent.

129. **MEETINGS OF LEGISLATIVE SUBCOMMITTEE** (Tape 10)

Supervisor Connolly announced the following scheduled meetings of the Legislative Subcommittee:

- Friday, October 25, 1996 at 3:00 p.m.;
- Friday, November 15, 1996 at 3:00 p.m.; and
- Monday, December 2, 1996 at 7:00 p.m. - public hearing before the Board on legislative matters.

130. **MEETING OF PERSONNEL SUBCOMMITTEE** (Tape 10)

Supervisor Gross announced that a meeting of the Personnel Subcommittee is scheduled for Friday, October 25, 1996 at 9:00 a.m.

131. **BOARD ADJOURNMENT** (Tape 10)

At 8:30 p.m., the Board adjourned.